

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KIMBERLY POFF,)
 PLAINTIFF,)

V.)

1. STATE OF OKLAHOMA *ex rel* The)
 OKLAHOMA DEPARTMENT OF)
 MENTAL HEALTH AND)
 SUBSTANCE ABUSE SERVICES;)
2. THE BOARD OF DIRECTORS FOR)
 THE OKLAHOMA DEPARTMENT OF)
 MENTAL HEALTH AND)
 SUBSTANCE ABUSE SERVICES,)
3. TERRI WHITE, individually and as the)
 Commissioner and Chief Executive)
 Officer of the Oklahoma Department Of)
 Mental Health And Substance Abuse)
 Services,)
4. DURAND CROSBY, individually and as)
 the Chief Operating Officer of the)
 Oklahoma Department Of Mental Health)
 And Substance Abuse Services;)
5. CRATUS DEWAYNE MOORE,)
 individually and as the General Counsel)
 of Oklahoma Department of Mental)
 Health and Substance Abuse Service; and)
6. ELLEN BUETTNER, individually and as)
 the Director, Human Resources)
 Management, Human Resources)
 Development for the Oklahoma)
 Department Of Mental Health And)
 Substance Abuse Services.)

DEFENDANTS.)

CASE NO. 5:14-CV-01438

**PLAINTIFF’S APPLICATION TO EXTEND
ALL REMAINING DEADLINES**

COMES NOW, the Plaintiff Kimberly Poff and pursuant to LCvR7.1(h) respectfully moves the Court for an order extending all remaining discovery deadlines. The Plaintiff requests a 90 day extension of remaining deadlines in this case.

The Defendants have no objection to a short extension of the deadlines set on January 4, 2016 for the disclosure of experts and expert reports but do object to the overall extension of deadlines by the Plaintiff. Plaintiff is requesting the extension of deadlines due to the death in counsel's family which has effected the overall functioning of the law firm and has caused deadlines to be moved and changed in multiple cases in Federal, State and Municipal Court.

A scheduling order was entered in this case and in a companion case DeLong vs. Oklahoma Department of Mental Health, Case No. CIV-14-1439 on July 27, 2015. At the time the scheduling order was entered the parties were aware that counsel for Plaintiff would be out of town for 2 weeks in September and that time period was considered in setting the deadlines. Three days after Plaintiff's counsel returned to work following the vacation, counsel's brother in law, Casey Bussett was killed in a plane crash in Texas. Mr. Bussett is also the husband of Christy "Crystal" Bussett, counsel's Paralegal and Office Manager. Mr. Bussett was also the firm process server and overall a daily part of firm life. Counsel missed approximately two weeks of work related to the death and Crystal Bussett was out for over a month and has yet to return to work in a full time capacity. Ms. Crystal Bussett is expected to return to work full time after the first of the year.

As a result of this tragedy numerous matters had to be reset including hearings, trials and depositions that had been scheduled in advance, while other matters had scheduling delays. The impact that the death had on the firm and the family was significant in matters other than scheduling and everyone has been tremendously effected by the circumstances.

Defense counsel was gracious enough to afford Plaintiff extra time to respond to discovery and Plaintiff counsel is working on providing some supplemental information as requested by the Defense. Depositions of the Plaintiff in this case and the companion case occurred in the week before Christmas. However, because of the circumstances that Plaintiff's counsel and the firm have encountered, Plaintiff has been unable to serve its planned discovery and conduct depositions as it needs to do to prepare the case. Counsel is not engaging in intentional delay, the firm has just been dealing with an unfortunate tragedy. Counsel is evaluating whether it is necessary to bring in outside counsel to assist with the prosecution of this case or other cases to help avoid additional delays due to the circumstances but any additional counsel will need time to get familiar with the facts of any case that they may join.

The only previous extensions granted in this case have been with regard to the extension of certain briefing deadlines which did not affect the trial setting in this case. The extension requested herein will impact the trial setting. At this time no deadlines have been missed, however, Plaintiff's counsel will not be able to designate an expert and

produce and expert report on January 4, 2016 which is the next deadline. The following deadlines remain:

	Current Deadline	Requested New Deadline
Plaintiff's Final Expert Witnesses and Reports	1/4/2016	4/4/2016
Defendant's Final Expert Witnesses and Reports	1/18/2016	4/18/2016
Plaintiff's Final Witnesses & Exhibit Lists	2/15/2016	5/15/2016
Defendant's Final Witnesses & Exhibit Lists	2/28/2016	5/28/2016
Discovery Completion	3/1/2016	6/1/2016
Trial Docket	May 2016	August 2016
Designation of Deposition Testimony	5/1/2016	8/1/2016
Objections and Counter Designation of Deposition Testimony	5/6/2016	8/6/2016
Motions in limine	7 days prior to pretrial	7 days prior to pretrial
Requested Voir Dire	7 days prior to pretrial	7 days prior to pretrial
Trial Briefs	7 days prior to pretrial	7 days prior to pretrial
Jury Instructions	7 days prior to pretrial	7 days prior to pretrial
Final Pretrial Report	5/1/2016	8/1/2016

WHEREFORE, the Plaintiff Kimberly Poff respectfully requests that the Court extend all remaining deadlines for a period of 90 days.

Respectfully submitted,

s/Rachel Bussett

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I certify that on December 30, 2015, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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